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June 27, 2012

By ECF

The Honorable Raymond J. Dearie
United States District Court
Eastern District New York
225 Cadman Plaza East
Brooklyn, New York 11201

***Re: United States v. LaFontant,
04 Cr. 886 (RJD)
Related case: 12 Cv. 3149 (RJD)***

Dear Judge Dearie:

I represent Defendant Charles LaFontant in the above-referenced matter as well as in the related civil action docketed as LaFontant v. United States, 12 Cv. 3149 (RJD). On June 25, 2012, under the civil docket number, I filed on Mr. LaFontant's behalf a motion to correct his criminal sentence pursuant to 28 U.S.C. § 2255 and/or Rule 36 of the Federal Rules of Criminal Procedure. Since Mr. LaFontant's motion relies upon not merely Section 2255 but also Rule 36, I respectfully request that Mr. LaFontant's motion be considered under his criminal docket as well. As such, attached please find a copy of Mr. LaFontant's motion, and my supporting declaration, for this Court's immediate attention.

In very brief, Mr. LaFontant's motion seeks a correction of his criminal sentence to amend his written Judgment to specifically state that his sentence is to run concurrent to a prior undischarged sentence imposed under Indict. No. 05 Cr. 60078 (KAM) (SDFL). Upon information and belief, such a correction would be consistent with the intent of all parties, including this Court, at the time his sentence was imposed, and is supported, inter alia, by the discussions held orally between this Court and the parties during Mr. LaFontant's sentencing proceedings. See, e.g., Exhibit B, attached to LaFontant's Motion, dated, June 25, 2012.

If calculated concurrently, Mr. LaFontant's projected release date would be **August 7, 2012**. At present, however, the Bureau of Prison's ("BOP") is relying upon a consecutive calculation that results in a projected release date of **July 9, 2016**.

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As such, the requested relief is necessary to ensure that the BOP does not require Mr. LaFontant to serve his sentences consecutively, which would be in contradiction to this Court's original intent and which would have the effect of imprisoning Mr. LaFontant for nearly four years longer than the sentence this Court intended to impose.

Further, Mr. LaFontant also respectfully requests that this Court set an expedited briefing schedule under both his civil and criminal dockets to ensure that his motion is decided prior to **August 7, 2012**, or decided as close to **August 7, 2012** as possible, so that he is not unconstitutionally imprisoned beyond this Court's intended sentence.

For consistency, a copy of this letter, without attachments, will be filed on Mr. LaFontant's civil docket later today.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MKB', with a long horizontal flourish extending to the right.

Michael K. Bachrach
Attorney for Charles LaFontant

Attachments

MKB/mb

cc: AUSA Justin D. Lerer (by email)